

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

KENDALL McCOOK and VIRGINIA
McCOOK,

Plaintiffs,

vs.

Civ. No. 99-1362 WWD/DJS ACE

SPRINGER SCHOOL DISTRICT, SPRINGER
BOARD OF EDUCATION, FREDDIE CARDENAS,
DAVID GUTIERREZ, CARLOS CRAIG, RAY
McFALL and ANDRES EBELL, in their individual
and official capacities,

Defendants.

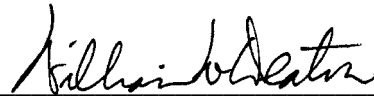
MEMORANDUM OPINION AND ORDER

This matter comes before the Court on Plaintiff's Objections to Magistrate's Order Denying in Part Plaintiffs' Motion to Impose Sanctions on Defendants Springer School District and Springer Board of Education filed December 8, 2000 [docket no. 94]. On December 4, 2000, the Honorable Don J. Svet, United States Magistrate Judge, entered an order in this cause which found that Defendants had complied sufficiently with a notice of deposition served under the provisions of Fed. R. Civ. P. 30(b)(6). Plaintiffs sought a witness designated by the Defendants who would be able to testify regarding a hypothetical involving "the dollar amount of salary and benefits which would have been paid to Kendall McCook had he been hired into the position of high school English and history teach(sic.) in November of 1997 and worked through the end of the school year in that position." Defendants furnished written documentation concerning the

school district's wage scale, summary of benefits and formulas and premiums for calculating wages and benefits; however, the witness was not able, from the information available, to calculate what specific payments to Plaintiff would have been. In these circumstances, Judge Svet found that the information supplied was sufficient. I do not find that the ruling by Judge Svet is either "clearly erroneous" or "contrary to law"; particularly in view of the discretion necessarily involved in making the decision and the nature of the particular information sought.

WHEREFORE,

IT IS ORDERED that Plaintiffs' Objections to Magistrate's Order Denying in Part Plaintiffs' Motion to Impose Sanctions on Defendants Springer School District and Springer Board of Education be, and they are hereby, overruled.

A handwritten signature in black ink, appearing to read "William B. Deaton", is written above a horizontal line.

UNITED STATES MAGISTRATE JUDGE